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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

J.P., a minor, by and through CHANNY SOK-
HANG as guardian,

Plaintiff,

vs.

CITY OF STOCKTON, et al.

Defendants.

Case No.: 2:21-cv-00788-WBS-AC

STIPULATION AND ORDER:

**(i) MODIFYING PRETRIAL
SCHEDULING ORDER, INCLUDING
TRIAL DATE;**
**(ii) MODIFYING TIME FOR
OPPOSITION AND REPLY ON
DEFENDANTS' ANTICIPATED MOTION
FOR SUMMARY JUDGMENT; AND**
**(iii) CONFIRMING PARTIES'
AGREEMENT ON EXPERT
DEPOSITIONS**

[No hearing required]

1 This Stipulation is respectfully submitted by all named parties: Plaintiff J.P., by and
2 through Channy Sok-Hang as guardian, on the one hand; and Defendants City of Stockton (also
3 named as “Stockton Police Department”) (the “City”), Chief of Police Stanley McFadden, and
4 Officer Jorge Andrade, on the other hand, all through their undersigned counsel of record.

5 RECITALS

6 A. On May 3, 2021, Plaintiff filed this lawsuit.

7 B. On May 27, 2022, the Court issued a Status (Pretrial Scheduling) Order
(ECF No. 52), scheduling a jury trial to begin on June 4, 2024, with a 14 day estimate.

8 C. On August 22, 2023, the parties filed a stipulation and proposed order to modify
9 ECF No. 52, which this Court granted by order issued on August 24, 2023. (See ECF No. 66.)

10 D. Counsel have been diligently conducting discovery, which has included written
11 discovery, depositions, and discovery of third parties.

12 E. Various conflicts have arisen with respect to the dates in the operative Scheduling
13 Order: One of Plaintiff’s experts now has a conflict with the June 7, 2024, expert disclosure date
14 and will not be able to prepare their report. One of Defendants’ experts now has a conflict with
15 the April 22, 2025, trial date due to a prepaid vacation that was arranged more than two years
16 ago but which was mistakenly omitted from the expert’s calendar when he agreed to serve as an
17 expert in this case. Finally, Plaintiff’s counsel has three trials between now and the first quarter
18 of 2025, and the only potential she has for a vacation with her family is in the month of
November. Defendants’ counsel is willing to accommodate her vacation schedule.

19 F. Counsel for both sides have met and conferred regarding the above and have
20 agreed to request this Court to continue the dates to avoid the conflicts.

21 G. Further, counsel have also met and conferred regarding the briefing schedule on a
22 motion for summary judgment, or, in the alternative, for partial summary judgment, Defendants
23 anticipate filing. Local Rule 230(c) requires the opposition to be filed 14 days after the filing of
24 such a motion, and Local Rule 230(d) requires the reply to be filed 10 days after the filing of the
25 opposition. Because of Plaintiff’s counsel’s trial calendar, Plaintiff’s counsel has requested an
26 additional one week to file her opposition (for a total of 21 days from the filing of the motion),
27 and defense counsel is agreeable with that as long Defendants also have an additional one week
28 to file their reply (for a total of 17 days from the filing of the opposition). Counsel have also
agreed to work together to set the hearing date on the motion such that it does not conflict with

1 Plaintiff's trial calendar.

2 H. Additionally, counsel have also met and conferred regarding scheduling expert
3 depositions. If the Court enters an order approving this stipulation, counsel have mutually agreed
4 to produce their respective experts for deposition, on fewer than 30 days' notice, without the
5 need for either side to subpoena them, based only on a deposition notice(s) (which may include a
6 request for documents). (Counsel reserve the right to object to the actual document requests or to
7 seek relief of Court if necessary regarding a particular document request or other aspects of the
8 expert deposition process). Finally, counsel agree they will work together to schedule and
complete all expert depositions before the discovery cutoff date.

9 I. Counsel request that all dates and deadlines in the Scheduling Order be
10 correspondingly extended to match the new requested trial date, with spacing between such dates
11 to remain approximately the same as in the operative Pretrial Scheduling Order.

12 J. When an act must be done within a specified time, the Court may, for good cause,
13 extend the time with or without motion if the court acts, or a request is made, before the original
14 time expires. Fed. R. Civ. P. 6(b)(1)(A). With respect to an order setting forth the Court's pretrial
15 schedule, "[t]he district court may modify the pretrial schedule 'if it cannot be reasonably met
16 despite the diligence of the party seeking the amendment.'" *Johnson v. Mammoth Recreations,*
17 *Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

18 STIPULATION

19 1. The parties, by and through their undersigned counsel, respectfully request the
20 Court modify the Scheduling Order as follows:

21 Matter	22 Current Date	23 Proposed Date
24 Disclosure of Experts	25 6/7/24	26 8/1/2024
27 Disclosure of Rebuttal Experts	28 7/12/24	10/1/2024
Cutoff of All Discovery	9/6/24	11/1/2024
Motion filing Cutoff Date	12/9/24	1/15/2025
Final Pretrial Conference	2/24/25	4/21/2025 at 1:30 p.m.

1	Trial	4/22/25	6/24/25 at 9:00 am
2			

3 2. Counsel will reasonably work together to schedule a hearing date on Defendants’
4 intended motion for summary judgment, or in the alternative, motion for partial summary
5 judgment. Plaintiff shall have 21 days after Defendants file their motion to file any opposition.
6 Defendants shall have 17 days after Plaintiff files his opposition to file any reply.

7 3. If the Court enters an order approving this stipulation, counsel will produce their
8 respective experts for deposition, on fewer than 30 days’ notice, without the need for either side
9 to subpoena them, based only on a deposition notice(s) (which may include a request for
10 documents). Counsel reserve the right to object to the actual document requests or to seek relief
11 of Court if necessary regarding a particular document request or other aspects of the expert
12 deposition process. Counsel will work together to schedule and complete all expert depositions
13 before the discovery cutoff date.

14 Based on the foregoing, the parties respectfully request that the Court grant this
15 stipulation.

16 Respectfully Submitted,

17 Dated: June 5, 2024

HERUM CRABTREE SUNTAG, LLP

18 By: /s/ Joshua J. Stevens

19 JOSHUA J. STEVENS

20 Attorneys for all Defendants

21 Dated June 5, 2024

LAW OFFICE OF YOLANDA HUANG

22 By: /s/ Yolanda Huang

23 YOLANDA HUANG

24 Attorney for Plaintiff

SIGNATURE ATTESTATION

Pursuant to Eastern District of California Local Rule 131(e), I attest that I obtained authorization to place Plaintiff's counsel's e-signature on this document and to file this document with the Court.

By: /s/ - Joshua J. Stevens
Joshua J. Stevens

ORDER

The Court, having considered the parties' stipulation, and good cause appearing, rules as follows:


IT IS ORDERED that the relief the stipulation requests is GRANTED. The operative Scheduling Order is modified are as follows:

Matter	New Deadline
Disclosure of Experts	8/1/2024
Disclosure of Rebuttal Experts	10/1/2024
Cutoff of All Discovery	11/1/2024
Motion filing Cutoff Date	1/15/2025
Final Pretrial Conference	4/21/2025 at 1:30 p.m.
Trial	6/24/25 at 9:00 am

IT IS FURTHER ORDERED that Plaintiff shall have 21 days after Defendants file their motion for summary judgment, or in the alternative, motion for partial summary judgment to file any opposition. Defendants shall have 17 days after Plaintiff files his opposition to file any reply.

IT IS FURTHER ORDERED that counsel will produce their respective experts for deposition, on fewer than 30 days' notice, without the need for either side to subpoena them, based only on a deposition notice(s) (which may include a request for documents), and shall cooperate in the scheduling of the depositions so that the depositions can be completed before the discovery cut off.

Dated: June 6, 2024


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE